

3-10-04

~~SDAC~~

Attorney's Docket No.: 07844-469001/P433



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Marilyn E. Shade, et al. Art Unit : Unknown
Serial No. : 09/964,293 Examiner : Unknown
Filed : September 25, 2001
Title : TEXT COMPOSITION SPACING AMOUNT SETTING DEVICE WITH ICON INDICATORS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

MAR 11 2004

OFFICE OF PETITIONS

PETITION TO WITHDRAW NOTICE OF ABANDONMENT

Under 37 C.F.R. §§ 1.8(b) and 1.181, applicant hereby petitions to withdraw the Notice of Abandonment mailed February 5, 2004 (copy enclosed). The application was abandoned under 37 C.F.R. § 1.135 because the Office apparently did not receive applicant's response to the Notice to File Missing Parts mailed October 26, 2001 (the "Notice").

The undersigned, applicant's attorney of record, first became aware of the abandonment on February 10, 2004, upon receipt of the Notice of Abandonment and submits that this petition is being promptly submitted as required by 37 C.F.R. § 1.8(b)(1).

The following documents are submitted under 37 C.F.R. § 1.8(b)(2) as proof that a response was timely filed on December 20, 2001:

1. A copy of the response to the Notice, including an executed certificate of mailing signed by Nikia M. McNillion on December 20, 2001; and
2. A copy of the check dated December 20, 2001 and postcard dated December 20, 2001 that were included with the response; and
3. Original signed declarations under 37 C.F.R. § 1.8(b)(3) by:
 - a. Nikia M. McNillion, attesting on the basis of personal knowledge that the above documents were timely filed on December 20, 2001; and
 - b. Alan T. Nguyen, attesting on the basis of personal knowledge to the mail procedures in effect on December 20, 2001.

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV 321 386 000 US

March 8, 2004

Date of Deposit

Applicant : Marilyn E. Shade, et al.
Serial No. : 09/964,293
Filed : September 25, 2001
Page : 2 of 2

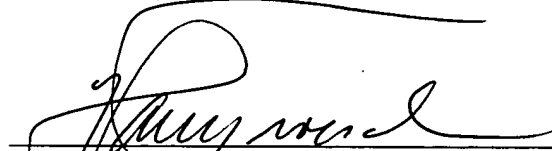
Attorney's Docket No.: 07844-469001 / P433

Applicant submits that the response to the Notice to File Missing Parts was timely filed yet not received by the United States Patent and Trademark Office for unknown reasons and requests that the Notice of Abandonment be withdrawn. A check in the amount of \$954 to cover \$130 late filing fee and the \$824 filing fee and excess claim fee. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: _____

8 Mar 04



Hans R. Troesch
Reg. No. 36,950

Fish & Richardson P.C.
500 Arguello Street, Suite 500
Redwood City, California 94063
Telephone: (650) 839-5070
Facsimile: (650) 839-5071



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Marilyn E. Shade, et al.

Art Unit : Unknown

Serial No. : 09/964,293

Examiner : Unknown

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

OFFICE OF PETITIONS

STATEMENT OF TIMELY MAILING UNDER 37 CFR §1.8
STATEMENT OF NIKIA M. MCNILLION

I, NIKIA M. MCNILLION, declare as follows:

I am an employee of the law firm of FISH & RICHARDSON P.C.

On December 20, 2001, I signed the certificate of mailing stamped directly on the correspondence entitled Response to Notice to File Missing Parts, which indicated that the correspondence and accompanying postcard and check were being deposited with the United States Postal Service on December 20, 2001. I made photocopies for the file, sealed the originals in a special envelope preprinted with the address of the Assistant Commissioner of Patents, and left the envelope in one of the designated "pick-up stations" to be delivered to the United States Postal Service in accordance with the procedures described in the Declaration of Alan T. Nguyen.

Knowing the procedures for outgoing mail and my own experience with them, I had reasonable basis to expect that the correspondence would be deposited with the United States Postal Service on the date indicated.

On February 10, 2004 I received a Notice of Abandonment which had been mailed February 5, 2004, indicating that the application was abandoned for failure to respond to the

Applicant : Marilyn E. Shade, et al.
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Filed : September 25, 2001
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Notice to File Missing Parts mailed October 26, 2001. It was upon receipt of this notification that I first became aware that the patent was abandoned.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: 3-1-04


Nikia M. McNillion

Fish & Richardson P.C.
500 Arguello Street, Suite 500
Redwood City, California 94063
Telephone: (650) 839-5070
Facsimile: (650) 839-5071



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Marilyn E. Shade, et al. Art Unit : Unknown
Serial No. : 09/964,293 Examiner : Unknown
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INDICATORS

RECEIVED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAR 11 2004

OFFICE OF PETITIONS

STATEMENT OF TIMELY MAILING UNDER 37 CFR §1.8
STATEMENT OF ALAN T. NGUYEN

I, ALAN T. NGUYEN, declare as follows:

I am employed by FISH & RICHARDSON P.C. as an Office Services Assistant.

During the period in question, I worked in the mailroom as an Office Services Assistant and was responsible for collecting outgoing mail from designated "pick-up stations" throughout the FISH & RICHARDSON P.C. offices located at:

500 Arguello Street, Suite 500
Redwood City, California 94063

The FISH & RICHARDSON P.C. mailroom procedures that I and all other Office Services Assistants followed during the period in question required that I check the pick-up stations every fifteen minutes until 5:00pm. Any mail gathered from the "pick-up" stations prior to 5:00pm would be deposited in a U.S. Post Office mailbox, to be retrieved by a U.S. Post Office employee that night.

A final check would be made at 5:00. Any mail gathered from the "pick-up" stations would then be delivered to the United States Postal Service's General Mail Facility on 855 Jefferson Avenue, Redwood City, California 94063.

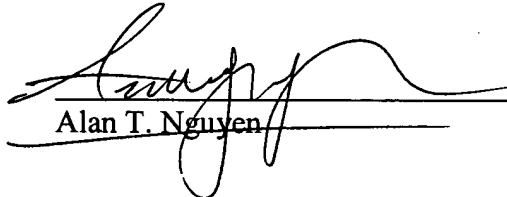
It was also part of the procedures to ask each secretary if he or she had any outgoing mail and to determine whether any of that mail was being sent by Registered, Express, or Certified mail.

I would then deliver all Registered, Express, or Certified Mail to the United States Post Office at 855 Jefferson Avenue, Redwood City, California 94063 and return to the office with signed receipts for that mail. A review of the receipts for Registered, Express, or Certified Mail on December 20, 2001 indicates that all mail was delivered by 5:00 pm.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: 3/1/04



Alan T. Nguyen

Fish & Richardson P.C.
500 Arguello Street, Suite 500
Redwood City, California 94063
Telephone: (650) 839-5070
Facsimile: (650) 839-5071

DMB
HRT



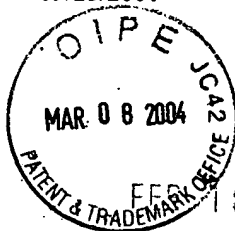
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/964,293	09/25/2001	Marilyn E. Shade	07844-469001

CONFIRMATION NO. 1631

21876
FISH & RICHARDSON P.C.
3300 DAIN RAUSCHER PLAZA
MINNEAPOLIS, MN 55402



RECEIVED

ABANDONMENT/TERMINATION
LETTER



OC000000011840346

MAR 11 2004

Date Mailed: 02/05/2004

OFFICE OF PETITIONS

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 10/26/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

Docketed By Practice Systems	
Action Code:	ABANDONMENT
Base Date:	2-5-04
Due Date:	4-5-04
Deadline:	4-5-04
Initials:	JA
Record:	

PTD
Error

Classified By Billing Secretary	
Date:	4/15/04
Classified:	

FR FISH & RICHARDSON P.C.

Franklin Street
Boston, Massachusetts
02110-2804

c 137736

PAY Eight Hundred twenty four dollars & no/100 DOLLARS

TO THE ORDER OF	DATE	AMOUNT
COMMISSIONER OF PATENTS AND TRADEMARKS	12/20/01	824.00
FISH & RICHARDSON P.C.		

53/112

Fleet FLEET MAINE, N.A.
SOUTH PORTLAND, ME

BY [Signature]

07844-469001

⑈ 137736 ⑈ ⑆ 011201539⑆ 80 071 123 ⑈

FR FISH & RICHARDSON P.C.

225 Franklin Street
Boston, Massachusetts
02110-2804

c 137730

PAY One hundred - thirty dollars & no/100 DOLLARS

TO THE ORDER OF	DATE	AMOUNT
COMMISSIONER OF PATENTS AND TRADEMARKS	12/20/01	130.00
FISH & RICHARDSON P.C.		

153/112

Fleet FLEET MAINE, N.A.
SOUTH PORTLAND, ME

BY [Signature]

07844-469001

⑈ 137730 ⑈ ⑆ 011201539⑆ 80 071 123 ⑈

Express Mail Label

No. _____ ATTORNEY DOCKET NO.: **07844-469001**

The Patent and Trademark Office date stamp sets forth the receipt date of:

Applicant or Patentee **Marilyn E. Shade et al.**

No. (Application, Appeal, Interference, Patent, Reexam) **09/964,293**

Filing or Issue Date **September 25, 2001**

Title: **"Text Composition Spacing Amount Setting Device Manager"...**

- ☐ Transmittal Letter _____ Pages ☐ Petition for Extension of Time
- ☐ Amendment/Response _____ Pages ☐ Status Inquiry
- ☐ Maintenance Fee ☐ Request Certificate of Correction
- ☒ Check \$ **824 & 130.00** ☐ Notice of Appeal
- ☐ Issue Fee ☐ Request patent copies ☐ Appeal Brief
- ☒ Drawings **(14)** sheets Formal **XX** Sheets Informal
- ☒ Response to Notice of Missing Parts ☒ Postcard
- ☒ Combined Declaration and Power of Attorney **(2)** Pages ☒ Signed _____

Unsigned

☐ Assignment _____ Pages ☐ Recordation Form Cover Sheet _____ Pages

☐ Small Entity Statement

☐ Information Disclosure Statement _____ Pages

☐ PTO Form 1449 _____ Pages ☐ Prior Art References - No. of References _____

☒ Other: **Copy of Notice To File Missing Parts Part B (2 pages);**

Submission of Formal Drawings (1) page

Atty./Secty. _____ Client/Matter **P. 438**

Initials **PM7** Name **Adobe Systems, Inc.** Date **December 20, 2001**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Marilyn E. Shade, et al.

Art Unit : Unknown

Serial No. : 09/964,293

Examiner : Unknown

Filed : September 25, 2001

Title : TEXT COMPOSITION SPACING AMOUNT SETTING DEVICE WITH ICON INDICATORS

BOX MISSING PARTS

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

In response to the Notice to File Missing Parts of Application under 37 CFR §1.53(b) mailed (copy enclosed), applicant as a large entity submits herewith the following:

- ☒ Payment of the basic filing fee of \$740.00
- ☒ Payment of the additional/multiple dependent claims fees of \$84;
- ☒ Check in payment of \$130 surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application;
- ☒ Combined Declaration and Power of Attorney in compliance with 37 CFR §1.63;
- ☒ Power of Attorney By Assignee and Election of Assignee under 37 CFR §3.71 *et seq.*
- ☒ Substitute Drawings in compliance with 37 CFR 1.84

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

December 20, 2001

Date of Deposit

Signature

Nikia M. Mc Nillion

Typed or Printed Name of Person Signing Certificate

Applicant : Marilyn E. Shade, et al.
Serial No. : 09/964,293
Filed : September 25, 2001
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Attorney's Docket No.: 07844-469001 / P433

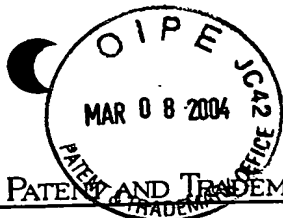
Respectfully submitted,

Date: 20 December, 2001

Fredrik Mollborn
Fredrik Mollborn
Reg. No. 48,587

Fish & Richardson P.C.
500 Arguello Street, Suite 500
Redwood City, California 94063
Telephone: (650) 839-5070
Facsimile: (650) 839-5071

50072814.doc



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/964,293	09/25/2001	Marilyn E. Shade	07844-469001

CONFIRMATION NO. 1631

FORMALITIES LETTER



OC000000006975478

HANS R. TROESCH
Fish & Richardson P.C.
2200 Sand Hill Road, Suite 100
Menlo Park, CA 94025

Date Mailed: 10/26/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

03/11/2004 MGBREM1 00000014 09964293

FILED UNDER 37 CFR 1.53(b)

01 FC:1001	770.00 OP
02 FC:1051	130.00 OP
03 FC:1202	54.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$80.
 - \$80 for 1 independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 920.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing figures contain text that is not in English (including, for example, a flow chart that was originally not in English that has been marked up to include the English text) see 37 CFR 1.84(p)(2) and 37 CFR 1.52(d)(1);

*A copy of this notice **MUST** be returned with the reply.*

H.T

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE